

# Guidelines for 1988 Ballot Issues

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**Prepared by: Jim Waltermire**

**Secretary of State**

**Montana State Capitol**

**Helena, MT 59620**

**Election Section**

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# "THE PEOPLE SPEAK"

(STEPS IN THE INITIATIVE PROCESS)

STATE OF MONTANA  
LEGISLATIVE COUNCIL  
HELENA, MONTANA 59601



A CITIZEN IDEA FOR NEW LAW OR A WISH FOR CHANGE  
IN A CURRENT LAW OR FOR CHANGE IN THE CONSTITUTION



CITIZEN SUBMITS DRAFT OF TEXT TO THE LEGISLATIVE  
COUNCIL FOR REVIEW AND COUNCIL RETURNS WITH THEIR  
RECOMMENDATIONS



SECRETARY OF STATE

CITIZEN SUBMITS THE MEASURE IN SAMPLE PETITION FORM  
TO THE SECRETARY OF STATE FOR APPROVAL AND THE SEC-  
RETARY OF STATE FORWARDS A COPY TO THE ATTORNEY  
GENERAL FOR REVIEW



ATTORNEY GENERAL

ATTORNEY GENERAL WRITES STATEMENT EXPLAINING THE  
MEASURE AND STATEMENTS EXPLAINING THE IMPLICATION  
OF A VOTE FOR AND AGAINST THE MEASURE. THE ATTOR-  
NEY GENERAL RETURNS SAMPLE TO THE SECRETARY OF  
STATE WITH HIS WRITTEN STATEMENTS



SEN WALTERS LEGISLATIVE COUNCIL HELENA, MONTANA 59601	RECEIVED JAN 11 1988
JOHN Q. CITIZEN 103 MAIN STREET ANYWHERE, MT 59600	

IF FORM IS APPROVED BY THE SECRETARY OF STATE HE  
NOTIFIES THE PROPONENTS THAT THEY MAY CIRCULATE  
THE PETITION FOR SIGNATURE GATHERING





CITIZENS CIRCULATE PETITIONS FOR SIGNATURES FROM THE ELECTORATE AND FILE PETITIONS WITH COUNTY CLERK AND RECORDERS FOR VERIFICATION OF SIGNATURES

2



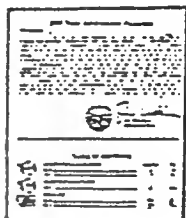
CLERK AND RECORDERS SEND VERIFIED PETITIONS TO THE SECRETARY OF STATE FOR TABULATION

2



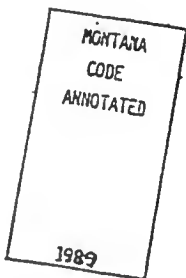
IF SUFFICIENT SIGNATURES ARE SUBMITTED BY THE DEADLINE THE SECRETARY OF STATE NOTIFIES THE GOVERNOR AND PLACES THE MEASURE ON THE NOVEMBER 8, 1988 GENERAL ELECTION BALLOT

2



COMMITTEES ARE APPOINTED TO WRITE PRO AND CON ARGUMENTS FOR THE VOTER INFORMATION PAMPHLET AND PAMPHLET IS PRINTED BY THE SECRETARY OF STATE AND SENT TO EACH COUNTY FOR DISTRIBUTION TO EACH VOTER

2



NOVEMBER 8, 1988 THE MEASURES APPEAR ON THE GENERAL ELECTION BALLOT AND IF PASSED BECOME A NEW OR AMENDED LAW OR A PART OF THE MONTANA CONSTITUTION

# SECRETARY OF STATE

## STATE OF MONTANA



**Jim Waltermire**  
Secretary of State

Montana State Capitol  
Helena, Montana 59620

### DIRECT DEMOCRACY IN MONTANA

Montanans have always been a proud and independent people, concerned with governing themselves. This characteristic was first expressed in Article III, Section I of the 1889 Constitution which provided that: "'All political power is vested in and derived from the people; all government of right originates with the people; is founded upon their will only, and is instituted solely for the good of the whole'".

At that time, however, the only real power given directly to the people regarding the laws that would govern them was the power to elect state senators and representatives. It was those officials who actually wrote the legislation and enacted it.

It was sixteen years later before citizens themselves obtained the right to enact laws directly. In 1905, the Ninth Legislative Assembly submitted to the voters an amendment to the Constitution to provide the people with the self-government tools called initiative and referendum. The measure passed overwhelmingly (36,374 to 6,616) and went into effect on December 7, 1906.

From that time through the general election in 1986, one hundred and nine initiatives and referendums have been proposed, either by the Legislature or through a citizen's effort. Of those proposed by citizens, only fifteen potential laws failed to gain a place on the ballot because of insufficient signatures, and one was withdrawn. Six more were rejected by the Supreme Court for one reason or another. Eighty-six of these special measures have actually been voted on since 1906.

The right of citizens to directly participate in their government was expanded once more with the adoption of a new Constitution in 1972. In that document, for the first time Montanans gave themselves the opportunity to write and propose amendments to their Constitution by petition. Prior to 1972, only the Legislature could do that and citizens' direct involvement was limited to either ratifying or rejecting the actions of the Legislature.

Even though their power has been expanded, Montanans have continued to recognize the seriousness of making changes in their constitution. Since 1972, thirty constitutional initiatives have been proposed by Montana citizens. Twenty-four never made it to a vote because they failed to gain the required number of signatures for ballot access and one was removed from the ballot by court order. Only five have actually been voted on and only two of those have been adopted.

Today, the right of initiative, referendum, and constitutional initiative are part of the Montana way of life. It is doubtful that Montanans will ever allow themselves to be without these rights. But many may not even realize that they enjoy a privilege that many Americans don't have. Only twenty-three states even allow for ballot issues and Montana ranks among the top in using this process to pass laws.

This booklet is intended to assist Montanans in the exercise of our special rights. It provides the required material and election guidelines necessary to put special measures on the 1988 general election ballot. All ballot issues which qualify for the ballot will appear in the Montana Voter Information Pamphlet published by the Secretary of State prior to the election.

I hope you will find this booklet useful in your initiative and referendum petition drives. Please feel free to contact me if you have any questions or suggestions concerning its content.



JIM WALTERMIRE  
Secretary of State

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## INITIATIVE AND REFERENDUM PETITIONS

As you begin work on drafting a petition, the following outline of requirements and procedures should help to make your job easier. Be sure to review all of Title 13, Chapter 27, beginning on Page 27 for complete statutory provisions.

### I. WHO MAY PETITION

- A. A petitioner may be any citizen of the state 18 years of age or older who meets the residence requirements for registration and is registered as a qualified elector.

### II. TYPES OF BALLOT ISSUES

- A. Initiative. An Initiative is a proposal by petition to enact new law by a vote of the people on any matter except appropriation of money and local or special laws.
- B. Referendum. A referendum is a proposal by which the people, by their majority vote, can approve or reject a previously enacted statute except an appropriation of money. A referendum may be originated by the legislature itself or by the people.
  - 1. By the legislature. At the time a piece of legislation is considered, the legislature may, in its discretion, decide to have their action ratified by a referendum vote of the people.
  - 2. By Petition. Anytime the legislature enacts a statute the people may petition to refer such statute to a vote of the people.

In addition, if petitioners desire to render an enacted statute inoperative pending a vote, a referendum petition containing a greater number of signatures is required. If so suspended, the act shall become operative only after it is approved at an election.

Referendum petitions must be filed no later than six months after the adjournment of the legislature which passed the act.

- C. **Constitutional Amendment.** A constitutional amendment is a proposal originated by either the legislature or the people to change the constitution.
1. By the Legislature. Amendments may be proposed by any member of the legislature. They must be adopted by an affirmative roll call vote of two-thirds of all the members in order to be submitted to the qualified electors.
  2. By petition. Amendments may be proposed by initiative. If the petitions are signed by the required number of electors, the proposed amendment shall be submitted to the qualified electors.
- D. **Constitutional Convention.** A question on whether to hold an unlimited constitutional convention to revise, alter, or amend the constitution may be originated by either the legislature or the people.
1. By the Legislature. The legislature by an affirmative vote of two-thirds of all the members may at any time submit to the qualified electors the question of whether there shall be a constitutional convention.
  2. By Petition. The people may, by petition, direct the secretary of state to submit to the qualified electors the question of whether there shall be a constitutional convention.

### III. NUMBER OF SIGNATURES REQUIRED

- A. **Initiative and Referendum:** Total 18,949  
The petition shall be signed by at least five (5%) percent of the qualified electors in each of at least one-third (34) of the legislative districts. The number of qualified electors required in each legislative representative district and in the state shall be determined by the number of votes cast for the office of governor in 1984. (See Chart pages 15-17)
- B. **Referendum to render an enacted statute inoperative:** An act referred to the people is in effect until suspended by petitions signed by at least fifteen (15%) percent of the qualified

electors in a majority of the legislative representative districts (51). (See Chart pages 15-17)

- C. Constitutional initiative for amendment or calling a constitutional convention. Total 37,897

The petition shall be signed by at least ten (10%) percent of the qualified electors in each of two-fifths (40) of the legislative districts. The number of qualified electors required for the filing of any petition for constitutional amendment or to call a constitutional convention shall be determined by the number of votes cast for the office of governor in 1984. (See Chart pages 15-17)

#### IV. WHEN ELECTION HELD

- A. With certain exceptions, elections on all types of ballot measures proposed by petition must be held with a statewide general election. Check the constitution and statutory references listed for specific provisions.

#### V. REQUIREMENTS - CONTENTS

See Sample Petition Forms pages 18-25.

- A. Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets.

- B. At the top of the petition must appear the statement:

PETITION TO PLACE \_\_\_\_\_ NO. \_\_\_\_\_ ON THE  
ELECTION BALLOT

- C. A statement of the percentage of voters in the number of legislative representative districts required and the total number of signatures, must appear near the top of the petition sheet.

- D. An addressing statement must appear on the face of the petition as follows:

We, the undersigned Montana voters,  
propose that the secretary of state  
place the following measure on the November  
8, 1988 general election ballot:

- E. A space for the title of the statute or constitutional amendment proposed or the measure

to be referred or a statement that the petition is for the purpose of calling a constitutional convention, written pursuant to 13-27-312, Montana Code Annotated must appear on the face of the petition.

If the signature lines are printed on both the front and back of the petition (sheet), the title must appear on both the front and back of the sheet.

- F. A space for the statements of implication written pursuant to 13-27-312, Montana Code Annotated must immediately follow the title space.
- G. Following the space for the statements of implication, there must be a statement urging voters to read the complete text and a notification that a signature is only to place the measure on the ballot and does not necessarily mean the signer agrees with the measure.
- H. The Punishment Warning shall appear last above the numbered signature lines.
- I. The petition must contain numbered lines with indicated spaces for each registered voter's:
  - 1. signature,
  - 2. post office address,
  - 3. legislative representative district number, and
  - 4. printed last name of signer.
- J. The complete text of the measure proposed or referred must be attached to or be contained within each signature sheet, if sheets are circulated separately. If the sheets are circulated in sections, the complete text of the measure must be attached to each section.

## VI. SUBMISSION OF TEXT FOR REVIEW AND RECOMMENDATIONS

- A. Before submission of the proposed petition to the secretary of state, the text of the measure must be submitted to the legislative council for review. The council staff shall review the text as required.

Within 14 days after submission, the council staff shall make recommendations for changes in the text or a statement that no changes are recommended. The person submitting the text shall consider the recommendations and respond in writing to the council, accepting, rejecting, or modifying each recommended change. If no changes are recommended, no response is required.

The legislative council shall furnish a copy of this correspondence to the secretary of state, who shall make a copy available to any person on request.

#### VII. SUBMISSION OF SAMPLE FORM FOR APPROVAL

A. Before a petition may be circulated for signatures, a sample sheet containing the text of the proposed measure must be submitted to the secretary of state in the form in which it will be circulated. The sample petition may not be submitted to the secretary of state more than 1 year prior to the final date for filing the signed petition with the secretary of state (July 10, 1987).

B. The secretary of state shall refer a copy of the petition to the attorney general for his approval. The secretary of state and attorney general must each review the petition for sufficiency as to form and approve or reject the form of the petition stating the reasons for rejection, if any.

If the sample petition form is rejected as to form by the attorney general, he shall forward his comments to the secretary of state within 10 days after receipt of the petition.

C. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval within 28 days after submission. The secretary of state shall send written notice if the petition has been rejected together with reasons for rejection within 14 days after submission.

D. If the sample form is approved, the attorney general shall seek out parties on both sides of the issue and obtain their advice. The attorney general may appoint a five-member committee to recommend the statement of purpose and the statement of the implications of the measure. The committee shall, within 14 days of the appointment, meet and recommend:

1. a statement, not to exceed 100 words, explaining the purpose of the measure;

2. statements, not to exceed 25 words each, explaining implications of a vote for and vote against the measure.

These statements must be forwarded to the secretary of state within 21 days after the attorney general receives the petition.

E. The attorney general may accept, reject, or modify the statements recommended by the committee. If the committee is unable to recommend one or both statements, the attorney general shall prepare the statements. The statement prepared is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot. The statements of implication prepared are the statements to be used on the petition and the ballot if the measure is placed on the ballot.

F. The attorney general shall order a fiscal note if the proposed ballot issue has an effect on the revenues, expenditures, or the fiscal liability of the state. The budget director, in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal note.

If a fiscal note is prepared for the proposed ballot issue, the attorney general shall prepare a fiscal statement which is to be used on the petition and ballot if the measure is placed on the ballot.

G. If the petition form is approved, a printed sample copy of the petition to be circulated, containing the title and implication of the vote statements as prepared by the attorney general, must be placed on file with the secretary of state.

#### VIII. TIME FOR SUBMISSION AND FILING

See Sample Certificate of Petition Circulator Page 26 which must accompany each sheet or section of petitions when filed with the County Election Administrator. Each Certificate of Petition Circulator shall be signed and notarized even if the petition sheets or section of sheets are circulated separately but filed in groups.

A. Submission to COUNTY OFFICIALS for certification:

1. Constitutional Amendments and Statutory Initiatives. Signed sheets or sections of petitions shall be submitted no sooner than 9 months (October 9, 1987) and no later than 2 weeks (June 24, 1988) before the final date for filing the petition with the secretary of state.

2. Referendum Petitions. Signed sheets or sections of petitions shall be submitted no later than (October 9, 1987).

B. Filing with the SECRETARY OF STATE:

1. Certified sheets or sections of petitions for constitutional amendments or statutory initiatives must be forwarded by the county election administrator for filing with the secretary of state before 5:00 p.m. of the second Friday of the fourth month prior to the election at which the measure is to be voted on (July 8, 1988).
2. Certified sheets or sections of petitions for referendum must be forwarded by the county election administrator for filing with the secretary of state no later than six months after adjournment of the Legislature which passed the act (October 23, 1987).

IX. WITHDRAWAL OF SIGNATURES

- A. Signers of a petition may withdraw their own names up to the deadline for filing petitions with the secretary of state. A form for withdrawal shall be prescribed by the secretary of state.

X. CERTIFICATION TO GOVERNOR

- A. When sheets or sections of a petition containing a sufficient number of signatures have been filed with the secretary of state, he shall immediately certify to the governor that the petition has qualified for the ballot.

XI. CANVASS OF VOTES CAST

- A. No later than 3 days after the election, each county board of canvassers shall canvass the votes cast for each ballot issue. The results of the canvass are certified to the secretary of state to be canvassed by the board of state canvassers within 20 days after the election.

XII. EFFECTIVE DATES

- A. Unless the petition states otherwise, a statutory initiative approved by the people is effective on October 1 following approval. However, if the measure delegates rulemaking authority it is effective no sooner than October 1 following approval.

- B. Unless the legislature provides otherwise, a constitutional amendment proposed by the legislature and approved by the people is effective on July 1 following approval.
- C. Unless the amendment provides otherwise, a constitutional amendment by initiative approved by the people is effective July 1 following approval.
- D. Unless specifically provided by the legislature in an act referred by it to the people, or unless suspended as provided by law, an act referred to the people is in effect as provided by law until it is approved or rejected at the election.
  - 1. An act that is rejected is repealed effective the date the result of the canvass is filed by the secretary of state under Section 13-27-503, MCA.
  - 2. An act referred to the people that was in effect at the time of the election and is approved by the people remains in effect.
  - 3. An act that was suspended by a petition and is approved by the people is effective the date the result of the canvass is filed by the secretary of state under Section 13-27-503, MCA.
  - 4. An act referred by the legislature that contains an effective date following the election becomes effective on that date if approved by the people.
  - 5. An act that provides no effective date and whose substantive provisions were delayed by the legislature pending approval at an election and that is approved is effective October 1 following the election.



## STATUTORY AND CONSTITUTIONAL REFERENCES

### I. WHO MAY PETITION

- A.  
Article III, Sections 4 and 5,  
Montana State Constitution  
Article IV, Section 2,  
Montana State Constitution  
Sections 13-27-102 and 103,  
Montana Code Annotated

### II. TYPES OF BALLOT ISSUES

- A.  
Article III, Section 4,  
Montana State Constitution  
Section 13-27-101 thru 13-27-106, and  
13-27-205, Montana Code Annotated
- B.  
Article III, Section 5,  
Montana State Constitution  
Section 13-27-101 thru 13-27-106, and  
13-27-205, Montana Code Annotated
- C.  
Article XIV, Sections 8 and 9,  
Montana State Constitution
- D.  
Article XIV, Sections 1 and 2,  
Montana State Constitution  
Section 13-27-206,  
Montana Code Annotated

### III. NUMBER OF SIGNATURES REQUIRED

- A., B. AND C.  
Article III, Sections 4, 5 and 7,  
Montana State Constitution  
Article XIV, Sections 2, 9 and 10,  
Montana State Constitution  
Section 13-27-303(2),  
Montana Code Annotated

### IV. WHEN ELECTION HELD

- A.  
Article III, Section 6,  
Montana State Constitution  
Article XIV, Sections 1, 2, 8 and 9,  
Montana State Constitution  
Section 13-1-101(8)  
Montana Code Annotated

V. REQUIREMENTS - CONTENTS

- A.  
Section 13-27-201,  
Montana Code Annotated
- B., C., D., E., F., G., H., and I.  
Sections 13-27-202, 13-27-204 thru 207,  
Montana Code Annotated
- J.  
Section 13-27-201,  
Montana Code Annotated

VI. SUBMISSION OF TEXT FOR REVIEW AND RECOMMENDATIONS

- A.  
Section 13-27-202,  
Montana Code Annotated

VII. SUBMISSION OF SAMPLE FORM FOR APPROVAL

- A., B., C., D., E., AND F.  
Sections 13-27-202, 13-27-302, 13-27-312,  
Montana Code Annotated
- G.  
Section 13-27-316,  
Montana Code Annotated

VIII. TIME FOR SUBMISSION AND FILING

- A.  
Article III, Section 4,  
Montana State Constitution  
Article XIV, Sections 2 and 9,  
Montana State Constitution  
Section 13-27-301,  
Montana Code Annotated
- B.  
Section 13-27-104,  
Montana Code Annotated

IX. WITHDRAWAL OF SIGNATURES

- A.  
Ford vs. Mitchell, 103 Mont. 99,  
and State ex rel.  
O'Connell vs. Mitchell, 111 Mont. 94
- B.  
Section 13-27-301(2)(3),  
Montana Code Annotated  
(Senate Bill 260, Chapter 298, L. 1987)

X. CERTIFICATION TO GOVERNOR

- A.  
Sections 13-27-308 thru 310,  
Montana Code Annotated

XI. CANVASS OF VOTES CAST

- A.  
Sections 13-15-401 thru 13-15-406, and  
Sections 13-15-501 thru 13-15-507,  
Montana Code Annotated

XII. EFFECTIVE DATES

- A., B. and C.  
Section 13-27-105,  
Montana Code Annotated
- D.  
Article XIV, Section 9,  
Montana State Constitution

BASIS FOR FILING INITIATIVE AND REFERENDUM MEASURES  
 UNDER ARTICLE III, SECTIONS 4, 5 AND 7 AND  
 ARTICLE XIV, SECTIONS 2, 9 AND 10  
 MONTANA STATE CONSTITUTION  
 AND  
 SECTION 13-27-303(2), MONTANA CODE ANNOTATED

Legislative Representative District - 1984	Total Vote Cast for Governor - 1984	5%(1)	10%(2)	15%(3)
1	3403	170	340	510
2	3214	161	321	482
3	3909	196	391	586
4	4047	202	405	607
5	3851	193	385	578
6	4538	227	454	681
7	3398	170	340	510
8	3453	173	345	518
9	3066	153	307	460
10	4013	201	401	602
11	4084	204	408	613
12	3883	194	388	582
13	4573	229	457	686
14	3732	187	373	560
15	3182	159	318	477
16	3254	163	325	488
17	3822	191	382	573
18	3797	190	380	570
19	4265	213	427	640
20	3123	156	312	468
21	3266	163	327	490
22	3356	168	336	503
23	3515	176	352	527
24	3790	190	379	569
25	3694	185	369	554
26	3233	162	323	485
27	4017	201	402	603
28	4227	211	423	634
29	4483	224	448	672
30	3868	193	387	580
31	4114	206	411	617
32	3962	198	396	594
33	907	45	91	136
34	3625	181	363	544
35	2918	146	292	438
36	3777	189	378	567
37	3916	196	392	587
38	3323	166	332	498
39	3525	176	353	529
40	3218	161	322	483
41	3635	181	363	545
42	3642	182	364	546

Legislative Representative District - 1984	Total Vote Cast for Governor - 1984	5%(1)	10%(2)	15%(3)
43	4361	218	436	654
44	4452	223	445	668
45	4218	211	422	633
46	4522	226	452	678
47	4189	209	419	628
48	3466	173	347	520
49	4221	211	422	633
50	4393	220	439	659
51	3721	186	372	558
52	3639	182	364	546
53	3300	165	330	495
54	3912	196	391	587
55	3373	169	337	506
56	3968	198	397	595
57	3857	193	386	579
58	3379	169	338	507
59	4429	221	443	664
60	4185	209	419	628
61	3738	187	374	561
62	3832	192	383	575
63	4552	228	455	683
64	4277	214	428	642
65	3564	178	356	535
66	3371	169	337	506
67	3099	155	310	465
68	3537	177	354	531
69	3263	163	326	489
70	3497	175	350	525
71	3614	181	361	542
72	3873	194	387	581
73	4030	202	403	605
74	4357	218	436	654
75	4019	201	402	603
76	4114	206	411	617
77	5010	251	501	752
78	5039	252	504	756
79	3948	197	395	592
80	4415	221	442	662
81	4518	226	452	678
82	3981	199	398	597
83	4367	218	437	655
84	4609	230	461	691
85	3463	173	346	519
86	4607	230	461	691
87	4521	226	452	678
88	4290	215	429	644
89	3973	199	397	596
90	4119	206	412	618
91	3635	182	364	545

Legislative Representative District - 1984	Total Vote Cast for Governor - 1984	5%(1)	10%(2)	15%(3)
92	2893	145	290	434
93	2493	125	249	374
94	3438	172	344	516
95	4307	215	431	646
96	3020	151	302	453
97	3503	175	350	525
98	2744	137	274	412
99	3827	191	383	574
100	<u>3110</u>	<u>156</u>	<u>311</u>	<u>467</u>
TOTAL NUMBER REQUIRED	378,970	*18,949	*37,897	***56,845

(1) To initiate a referendum on enacted statutes or to initiate new laws. Signatures of at least 5 percent of the qualified electors in each of at least one-third of the legislative representative districts (34 districts).

(2) To initiate a constitutional amendment or call a constitutional convention. Signatures of at least 10 percent of the qualified electors in each of at least two-fifths of the legislative representative districts (40 districts).

\*\*\* (3) To render inoperative an enacted statute. Signatures of at least 15 percent of the qualified electors in a majority of the legislative representative districts (51 districts).

\* NOTE Totals do not total to column entries since fractions have been rounded to the next whole number.

# PETITION TO PLACE INITIATIVE NO. \_\_\_\_ ON THE ELECTION BALLOT

If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing this petition is \_\_\_\_\_, this measure will appear on the next general election ballot. If a majority of voters vote for this measure at the election, it will become law.  
We, the undersigned Montana voters, propose that the secretary of state place the following measure on the November \_\_, 19\_\_ general election ballot:

(Statement of Purpose (Title) written by Attorney General)

(FISCAL NOTE (if applicable) written by Attorney General)

- ☐ **FOR** (Statement of implication of a vote for the measure written by the Attorney General)
- ☐ **AGAINST** (Statement of implication of a vote against the measure written by the Attorney General)

Voters are urged to read the complete text of the measure, which appears \_\_\_\_\_. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(TEXT OF THE MEASURE MAY APPEAR HERE, ON THE REVERSE SIDE OR BE ATTACHED)

### WARNING

A person who purposefully signs a name other than her/his own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, six months in jail, or both. Each person must sign her/his name and address in substantially the same manner as on her/his voter registry card or the signature will not be counted.

Complete Signature (as registered)	Printed Last Name	Post Office Address (as registered)	Legislative Rep. Dist.
1.			
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COUNTY: \_\_\_\_\_

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(Statement of Purpose (Title) written by Attorney General  
MUST appear here also)

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(TEXT OF THE MEASURE MAY APPEAR HERE, ON THE FRONT SIDE OR BE ATTACHED)

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(Information providing instructions to the circulators may appear here)

(Each sheet of a petition or section of no more than 25 pages MUST be accompanied by a completed Certificate of Circulator-sample on page 26)



# PETITION TO PLACE REFERENDUM NO. \_\_\_\_ ON THE ELECTION BALLOT

If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is \_\_\_\_\_, Senate (House) Bill Number \_\_\_\_ will appear on the next general election ballot. If a majority of voters vote for this measure at that election it will become law.

We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number \_\_\_\_, passed by the legislature on \_\_\_\_\_ on the next general election ballot:

(Title of Referendum written by Attorney General)

(FISCAL NOTE (if applicable) written by Attorney General)

☐ FOR (Statement of implication of a vote for the measure written by the Attorney General)

☐ AGAINST (Statement of implication of a vote against the measure written by the Attorney General)

Voters are urged to read the complete text of the measure, which appears \_\_\_\_\_. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(TEXT OF THE MEASURE MAY APPEAR HERE, ON THE REVERSE SIDE OR BE ATTACHED)

## WARNING

A person who purposefully signs a name other than her/his own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, six months in jail, or both. Each person must sign her/his name and address in substantially the same manner as on her/his voter registry card or the signature will not be counted.

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Maximum width 8½ inches

Maximum length 14 inches

(Title of Referendum written by Attorney General  
MUST appear here also)

(TEXT OF THE MEASURE MAY APPEAR HERE, ON THE FRONT SIDE OR BE ATTACHED)

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(Numbered lines may be continued to complete the page as appropriate)

(Information providing instructions to the circulators may appear here)

(Each sheet of a petition or section of no more than 25 pages MUST be accompanied by a completed Certificate of Circulator-sample on page 26)

# PETITION TO PLACE CONSTITUTIONAL AMENDMENT No. \_\_\_\_ ON THE ELECTION BALLOT

If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing the petition is \_\_\_\_, this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

We, the undersigned Montana voters, propose that the secretary of state place the following constitutional amendment on the \_\_\_\_ 19\_\_, general election ballot:

(Title of the proposed constitutional amendment written by Attorney General)  
(FISCAL NOTE (if applicable) written by Attorney General)

- ☐ **FOR** (Statement of implication of a vote for the measure written by the Attorney General)
- ☐ **AGAINST** (Statement of implication of a vote against the measure written by the Attorney General)

Voters are urged to read the complete text of the measure, which appears \_\_\_\_ . A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(TEXT OF THE MEASURE MAY APPEAR HERE, ON THE REVERSE SIDE OR BE ATTACHED)

### WARNING

A person who purposefully signs a name other than her/his own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, six months in jail, or both. Each person must sign her/his name and address in substantially the same manner as on her/his voter registry card or the signature will not be counted.

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COUNTY: \_\_\_\_\_

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(Title of the proposed constitutional amendment written by Attorney General  
MUST appear here also)

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(TEXT OF THE MEASURE MAY APPEAR HERE, ON THE FRONT SIDE OR BE ATTACHED)

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(Information providing instructions to the circulators may appear here)

(Each sheet of a petition or section of no more than 25 pages MUST be accompanied by a completed Certificate of Circulator-sample on page 26)

PETITION TO PLACE INITIATIVE NO. \_\_\_\_, CALLING FOR A  
CONSTITUTIONAL CONVENTION, ON THE ELECTION BALLOT

If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is \_\_\_\_, the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention the legislature will call for a constitutional convention at its next session.

We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the \_\_\_\_, 19\_\_, general election ballot:

(Title of the initiative written by Attorney General)

(FISCAL NOTE (if applicable) written by Attorney General)

☐ FOR (Statement of implication of a vote for the measure written by the Attorney General)

☐ AGAINST (Statement of implication of a vote against the measure written by the Attorney General)

Voters are urged to read the complete text of the measure, which appears \_\_\_\_\_. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(TEXT OF THE MEASURE MAY APPEAR HERE, ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

A person who purposefully signs a name other than her/his own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, six months in jail, or both. Each person must sign her/his name and address in substantially the same manner as on her/his voter registry card or the signature will not be counted.

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COUNTY: \_\_\_\_\_

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(Title of the initiative written by Attorney General)  
MUST appear here also)

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(TEXT OF THE MEASURE MAY APPEAR HERE, ON THE FRONT SIDE OR BE ATTACHED)

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(Numbered lines may be continued to complete the page as appropriate)

(Information providing instructions to the circulators may appear here)

(Each sheet of a petition or section of no more than 25 pages MUST be accompanied by a completed Certificate of Circulator-sample on page 26)

AFFIDAVIT FOR PERSON CIRCULATING PETITIONS

I, (Name of person who circulated this petition), affirm, or being first sworn, depose and say: that I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose names they purport to be, are the signatures of Montana electors who are registered at the address following their signature, and that the signers knew the contents of the petition before signing the same.

\_\_\_\_\_  
Signature of Petition Circulator

\_\_\_\_\_  
Address of Petition Circulator

\_\_\_\_\_  
City, State & Zip Code

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_,  
19\_\_

SEAL

\_\_\_\_\_  
Person authorized to take oaths

\_\_\_\_\_  
Title or notarial information

## TITLE 13, CHAPTER 27

### BALLOT ISSUES

(as amended, 1987)

#### Part 1 -- General Provisions

##### Section

- 13-27-101. Establishment of initiative and referendum procedures.
- 13-27-102. Who may petition.
- 13-27-103. Sufficiency of signature.
- 13-27-104. Time for filing.
- 13-27-105. Effective date of initiative and referendum issues.
- 13-27-106. Violations -- penalties.

#### Part 2 -- Form of Petitions

- 13-27-201. Form of petition generally.
- 13-27-202. Recommendations -- approval of form required.
- 13-27-203. Numbering of petitions.
- 13-27-204. Petition for the initiative.
- 13-27-205. Petition for the referendum.
- 13-27-206. Petition for initiative for constitutional convention.
- 13-27-207. Petition for initiative for constitutional amendment.

#### Part 3 -- Submission and Processing of Petitions

- 13-27-301. Submission of petition sheets - withdrawal of signatures.
- 13-27-302. Certification of signatures.
- 13-27-303. Verification of signatures by county official-allocating voters and following reapportionment --duplicate signatures.
- 13-27-304. County official to forward verified sheets.
- 13-27-305. Retention of copies by county official.
- 13-27-306. Challenge to signatures by elector of county.
- 13-27-307. Consideration and tabulation of signatures by secretary of state.
- 13-27-308. Certification of petition to governor.
- 13-27-310. Transmittal of issues referred by the legislature and ballot forms to the attorney general.
- 13-27-311. Publication of proposed constitutional amendments.
- 13-27-312. Review of petition by attorney general -- preparation of statements -- fiscal note.
- 13-27-313. Review of ballot forms by attorney general.
- 13-27-315. Statements by attorney general on issues referred by legislature.
- 13-27-316. Court review of attorney general statements.

#### Part 4 -- Voter Information Pamphlets

- 13-27-401. Voter information pamphlet.
- 13-27-402. Committees to prepare arguments for and against ballot issues.



- 13-27-403. Appointment to committee.
- 13-27-404. Committee chairman.
- 13-27-405. Committee expenses.
- 13-27-406. Limitation on length of argument -- time of filing.
- 13-27-407. Rebuttal arguments.
- 13-27-408. Rejection of improper arguments.
- 13-27-409. Liability for contents of argument.
- 13-27-410. Printing and distribution of voter information pamphlet.

## Part 5 -- Election Procedure

- 13-27-501. Secretary of state to certify ballot form.
- 13-27-502. Preparation of ballots by county officials.
- 13-27-503. Determination of result of election.
- 13-27-504. Copy of approved issues to be sent to legislative council.

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## Part 1

### General Provisions

13-27-101. **Establishment of initiative and referendum procedures.** The right of the people to petition to enact laws by initiative, to petition to approve or reject by referendum any act of the legislature except an appropriation of money, to call for a vote on whether there shall be a constitutional convention, and to propose constitutional amendments by initiative as guaranteed by The Constitution of the State of Montana may be exercised through adherence to the procedures established in this chapter.

13-27-102. **Who may petition.** A petition for the initiative, the referendum, or to call a constitutional convention may be signed only by a qualified elector of the state of Montana.

13-27-103. **Sufficiency of signature.** A signature may not be counted unless the elector has signed in substantially the same manner as on the voter registry card. If the elector is registered with a first and middle name, the use of an initial instead of either the first or middle name, but not both names, need not disqualify the signature. The signature may be counted so long as the signature, taken as a whole, bears sufficient similarity to the signature on the registry card as to provide reasonable certainty of its authenticity.

13-27-104. **Time for filing.** Unless a specific time for filing is provided in the constitution, all petitions filed with the secretary of state, certified as provided by law, must be received before 5 p.m. of the second Friday of the fourth month prior to the election at which they are to be voted upon by the people.

13-27-105. Effective date of initiative and referendum issues. (1) Unless the petition placing an initiative issue on the ballot states otherwise, an initiative issue, other than a constitutional amendment, approved by the people is effective on October 1 following approval. If the issue delegates rulemaking authority, it is effective no sooner than October 1 following approval.

(2) A constitutional amendment proposed by initiative or by the legislature and approved by the people is effective on July 1 following approval unless the amendment provides otherwise.

(3) Unless specifically provided by the legislature in an act referred by it to the people or until suspended by a petition signed by at least 15% of the qualified electors in a majority of the legislative representative districts, an act referred to the people is in effect as provided by law until it is approved or rejected at the election. An act that is rejected is repealed effective the date the result of the canvass is filed by the secretary of state under 13-27-503. An act referred to the people that was in effect at the time of the election and is approved by the people remains in effect. An act that was suspended by a petition and is approved by the people is effective the date the result of the canvass is filed by the secretary of state under 13-27-503. An act referred by the legislature that contains an effective date following the election becomes effective on that date if approved by the people. An act that provides no effective date and whose substantive provisions were delayed by the legislature pending approval at an election and that is approved is effective October 1 following the election.

13-27-106. Violations -- penalties. A person who knowingly makes a false entry upon a petition or affidavit required by this chapter or who knowingly signs a petition to place the same issue on the ballot at the same election more than once is guilty of unsworn falsification or tampering with public records or information, as appropriate, and is punishable as provided in 45-7-203 or 45-7-208, as applicable.

## Part 2

### Form of Petition

13-27-201. Form of petition generally. (1) A petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be printed the title of the statute or constitutional amendment proposed or the measure to be referred or a statement that the petition is for the purpose of calling a constitutional convention. If signature lines are printed on both the front and back of a petition sheet, the information

required above must appear on both the front and back of the sheet. The complete text of the measure proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. The text of the measure must be in the bill form provided in the most recent issue of the bill drafting manual furnished by the legislative council. If sheets are circulated in sections, the complete text of the measure must be attached to each section.

13-27-202. Recommendations -- approval of form required. (1) Before submission of a sample sheet to the secretary of state pursuant to subsection (3), the following requirements must be fulfilled:

(a) The text of the proposed measure must be submitted to the legislative council for review.

(b) The council staff shall review the text for clarity, consistency, and any other factors the council staff considers when drafting proposed legislation.

(c) Within 14 days after submission of the text, the council staff shall make to the person submitting the text written recommendations for changes in the text or a statement that no changes are recommended.

(d) The person submitting the text shall consider any such recommendations and respond in writing to the council, accepting, rejecting, or modifying each of the recommended changes. If no changes are recommended, no response is required.

(2) The legislative council shall furnish a copy of the correspondence provided for in subsection (1) to the secretary of state, who shall make a copy thereof available to any person upon request.

(3) Before a petition may be circulated for signatures, a sample sheet containing the text of the proposed measure must be submitted to the secretary of state in the form in which it will be circulated. The sample petition may not be submitted to the secretary of state more than 1 year prior to the final date for filing the signed petition with the secretary of state. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval. The secretary of state and attorney general must each review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any.

(4) The secretary of state shall review the comments and statements of the attorney general received pursuant to 13-27-312 and make a final decision as to the approval or rejection of the form of the petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval within 28 days after submission of the petition sheet. The secretary of state shall send written notice if the petition has been rejected, together with reasons for rejection, within 14 days after submission of the petition sheet.

13-27-203. Numbering of petitions. The secretary of state shall serially number all submitted petitions that are approved as to form continuously from year to year. The numbering system shall distinguish the different types of petitions received and include provisions for numbering measures referred to the people by the legislature.

13-27-204. Petition for the initiative. (1) The following is substantially the form for a petition calling for a vote to enact a law by the initiative:

PETITION TO PLACE  
INITIATIVE NO. \_\_\_\_\_ ON  
THE ELECTION BALLOT

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing this petition is ....., this measure will appear on the next general election ballot. If a majority of voters vote for this measure at that election, it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following measure on the ....., 19..., general election ballot:

(Title of measure written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

13-27-205. Petition for the referendum. (1) The following is substantially the form for a petition calling for approval or rejection of an act of the legislature by the referendum:

PETITION TO PLACE REFERENDUM NO. \_\_\_\_\_  
ON THE ELECTION BALLOT

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is ....., Senate (House) Bill Number .... will appear on the next general election ballot. If a majority of voters vote for this measure at that election it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number ....., passed by the legislature on ..... on the next general election ballot:

(Title of referendum written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(d)

#### WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card, or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

13-27-206. Petition for initiative for constitutional convention. (1) The following is substantially the form for a petition to direct the secretary of state to submit to the qualified voters the question of whether there shall be a constitutional convention:

PETITION TO PLACE  
INITIATIVE NO. \_\_\_\_\_, CALLING FOR  
A CONSTITUTIONAL CONVENTION, ON  
THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is....., the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention the legislature will call for a constitutional convention at its next session.

(b) We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the ....., 19..., general election ballot:

(Title of the initiative written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(c) A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

(d)

#### WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine or 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card, or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall also contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

13-27-207. Petition for initiative for constitutional amendment.

(1) The following is substantially the form for a petition for the initiative to amend the constitution:

#### PETITION TO PLACE CONSTITUTIONAL AMENDMENT NO. \_\_\_\_\_ ON THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing the petition is ....., this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following constitutional amendment on the ..... .., 19....., general election ballot:

(Title of the proposed constitutional amendment  
written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the constitutional amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

(d)

#### WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

Part 3

Submission and Processing of Petitions

13-27-301. Submission of petition sheets - withdrawal of signatures (1) Signed sheets or sections of petitions shall be submitted to the official responsible for registration of electors in the county in which the signatures were obtained no sooner than 9 months and no later than 2 weeks before the final date for filing the petition with the secretary of state.

(2) Signatures may be withdrawn from a petition for constitutional amendment, constitutional convention, initiative, or referendum up to the time of final submission of petition sheets as provided in this section.

(3) The secretary of state shall prescribe the form to be used by an elector desiring to have his signature withdrawn from a petition.

13-27-302. Certification of signatures. An affidavit, in substantially the following form, shall be attached to each sheet or section submitted to the county official:

I, (Name of person who circulated this petition), affirm, or being first sworn, depose and say: that I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose names they purport to be, are the signatures of Montana electors who are registered at the address following their signature, and that the signers knew the contents of the petition before signing the same.

.....  
(Signature of petition circulator)

.....  
(Address of petition circulator)

Subscribed and sworn to before me this .... day of ....., 19...

Seal .....  
(Person authorized to take oaths)

.....  
(Title of notarial information)

13-27-303. Verification of signatures by county official -- allocating voters following reapportionment -- duplicate signatures. (1) Except as required by 13-27-104, within 4 weeks after receiving the sheets or sections of a petition, the county official shall check the names of all signers to verify they are registered electors of the county. In addition, the official shall randomly select signatures on each sheet or section and compare them with the signatures of the electors as they appear in the registration records of the office. If all the randomly selected signatures appear to be genuine, the number of signatures of registered electors on the sheet or section may be certified to the secretary of state without further comparison of signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet or section must be compared with the signatures in the registration records of the office.

(2) For the purpose of allocating the signatures of voters among the several legislative representative districts of the state as required to certify a petition for a ballot issue under the provisions of this chapter following the filing of a districting and apportionment plan under 5-1-111 and before members of the house of representatives have been elected and qualified under the plan, the legislative representative districts among which the signatures must be allocated must be those in existence when the plan was filed.

(3) Upon discovery of fraudulent signatures or duplicate signatures of an elector on any one issue, the election administrator may submit the name of the elector or the petition circulator, or both, to the county attorney to be investigated under the provisions of 13-27-106 and 13-35-207.

13-27-304. **County official to forward verified sheets.** The county official verifying the number of registered electors signing the petition shall forward it to the secretary of state by certified mail with a certificate in substantially the following form attached:

To the Honorable ....., Secretary of State of the state of Montana:

I, ....., ..... (title) of the County of ....., certify that I have examined the attached (section containing .... sheets) or (.... sheets) of the petition for (referendum, initiative, constitutional convention, or constitutional amendment) No. .... in the manner prescribed by law; and I believe that .... (number) signatures in Legislative Representative District No. .... (repeat for each district included in sheet or section) are valid; and I further certify that the affidavit of the circulator of the (sheet) (section) of the petition is attached and the post-office address and legislative representative district number is completed for each valid signature.

Signed: ..... (Date) .....(Signature)  
Seal .....(Title)

13-27-305. **Retention of copies by county official.** The county official certifying the sheets or sections of a petition shall keep a copy of the sheets or sections certified in the official files of his office. The copies may be destroyed 3 months after the date of the election specified in the petition unless a court action is pending on the sufficiency of the petition.

13-27-306. **Challenge to signatures by elector of county.** A registered elector of a county having reason to believe that signatures on a petition that were not among those actually compared with signatures in the registration records of the county are not genuine may file a sworn statement or affirmation of his belief and request for comparison of those signatures he believes are not genuine with the county official certifying the sheet or section of the petition. If any of the challenged signatures are not genuine, the county official must



compare all signatures on that sheet or section and issue an amended certificate to the secretary of state, giving the correct number of valid signatures, on or before the deadline, as provided for in 13-27-104, for filing in the office of the secretary of state.

13-27-307. Consideration and tabulation of signatures by secretary of state. (1) The secretary of state shall consider and tabulate only such signatures on petitions as are certified by the proper county official, and each such certificate is prima facie evidence of the facts stated therein. However, the secretary of state may consider and tabulate any signature not certified by the county official that is certified by a notary public of the county in which the signer resides to be the genuine signature of an elector legally qualified to sign the petition.

(2) The official certificate of the notary public for any signature not certified as valid by the county official shall be in substantially the following form:

State of Montana                    )  
  ) ss.  
County of .....)

I, ..... (name), a duly qualified and acting notary public in and for the above-named county and state, do hereby certify that I am personally acquainted with each of the following-named electors whose signatures are affixed to the annexed (petition) (copy of a petition) and I know of my own knowledge that they are registered electors of the state of Montana and of the county and legislative district written after their names in the petition and that their post-office addresses are correctly stated therein.

.....(Names of such electors)  
In testimony whereof, I have hereunto set my hand and official seal this .... day of ....., 19...  
  .....(Signature)  
Seal                                       .....(Notarial information)

13-27-308. Certification of petition to governor. When sheets or sections of a petition for referendum, initiative, constitutional convention, or constitutional amendment containing a sufficient number of signatures have been filed with the secretary of state within the time required by the constitution or by law, he shall immediately certify to the governor that the completed petition has been officially filed.

13-27-310. Transmittal of issues referred by the legislature and ballot forms to the attorney general. (1) The secretary of state shall transmit a copy of the form in which a ballot issue proposed by petition will appear on the ballot to the attorney general on the same day the completed petition is certified to the governor.

(2) The secretary of state shall transmit a copy of an act referred to the people or a constitutional amendment proposed by the legislature and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 6 months before the election at which the issue will be voted on by the people.

(3) If the ballot form is not approved by the attorney general pursuant to 13-27-313, the secretary of state shall immediately submit a new ballot form to the attorney general.

**13-27-311. Publication of proposed constitutional amendments.**

(1) If a proposed constitutional amendment or amendments are submitted to the people, the secretary of state shall have the proposed amendment or amendments published in full twice each month for 2 months previous to the election at which they are to be voted upon by the people, in not less than one newspaper of general circulation in each county.

(2) The secretary of state may arrange for newspaper, radio, or television publication of proposed constitutional amendments in each county. A summary of the amendment as provided by the attorney general, as described in 13-27-312 or 13-27-315, would suffice for the publication required by this section and should be made at least twice each month for 2 months previous to the election.

**13-27-312. Review of petition by attorney general -- preparation of statements -- fiscal note.** (1) Upon receipt of a petition from the office of the secretary of state pursuant to 13-27-202, the attorney general shall examine the petition as to form and, if the proposed ballot issue has an effect on the revenues, expenditures, or the fiscal liability of the state, shall order a fiscal note incorporating an estimate of such effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal note and shall return it within 6 days unless the attorney general, for good cause shown, extends the time for completing the fiscal note. If the petition form is approved, the attorney general shall endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general may, if he deems it necessary, appoint a five-member committee to recommend the statement of purpose and the statement of the implications of the measure. The committee shall consist of two persons recommended by the person filing the petition, two persons known to oppose the measure, and one representative of the attorney general's office, who is the chairman. The committee shall, within 14 days of appointment, meet and recommend by a vote of a majority of the committee:

(a) a statement, not to exceed 100 words, explaining the purpose of the measure; and

(b) statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against the measure.

(2) The attorney general may accept, reject, or modify the statements recommended by the committee. If the committee is unable to recommend one or both statements, the attorney general shall prepare the statements.

(3) The attorney general shall prepare a fiscal statement of no more than 50 words if a fiscal note was prepared for the proposed ballot issue, such statement to be used on the petition and ballot if the measure is placed on the ballot.

(4) The statement of purpose and the statements of implication must express the true and impartial explanation of the proposed ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice for or against the measure.

(5) The statement of purpose prepared pursuant to subsection (1) or (2), unless altered by a court under 13-27-316, is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot.

(6) The statements of implication shall be placed beside the diagram provided for marking of the ballot in a manner similar to the following example:

[ ] FOR extending the right to vote to persons 18 years of age

[ ] AGAINST extending the right to vote to persons 18 years of age

(7) If the petition is rejected as to form, the attorney general shall forward his comments to the secretary of state within 10 days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward the statement of purpose, the statements of implication, and the fiscal statement, if applicable, to the secretary of state within 21 days after receipt of the petition by the attorney general.

13-27-313. Review of ballot forms by attorney general. The attorney general shall examine each ballot form submitted to his office pursuant to 13-27-310 and within 20 days of receipt of the ballot form shall notify the secretary of state of his approval or rejection of the ballot form. If the ballot form is rejected, the attorney general shall approve or reject a new ballot form submitted by the secretary of state pursuant to 13-27-310(3) within 5 days of receiving the new form.

13-27-315. Statements by attorney general on issues referred by legislature. (1) Upon receipt of a copy of a ballot form under 13-27-310(2) for an issue proposed by the legislature, the attorney general shall order a fiscal note as provided in 13-27-312(1) if the issue has an effect on the revenues, expenditures, or the fiscal liability of the state. At the same time the explanatory statement is prepared under subsection (2), the attorney general shall prepare a fiscal statement of no more than 50 words to be forwarded to the secretary of state at the same time as the explanatory statement.

(2) At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial explanation of the purpose of the measure in plain, easily understood language. The

statement may not be an argument and may not be written to create a prejudice for or against the issue. The statement prepared under this section is known as the attorney general's explanatory statement.

(3) If statements of the implication of a vote for or against a ballot issue have not been provided by the legislature, the attorney general shall prepare the statements. Requirements for statements of implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary of state no later than the time specified for approval of the ballot form.

13-27-316. Court review of attorney general statements. (1) If the proponents of a ballot measure believe that the statement of purpose, the statements of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of receipt of the notice from the secretary of state provided for in 13-27-202, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(2) If the opponents of a ballot measure believe that the statement of purpose, the statements of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of the date of certification to the governor that the completed petition has been officially filed, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(3) (a) Notice shall be served upon the secretary of state and upon the attorney general. The action takes precedence over other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement which the court determines will meet the requirements of 13-27-312.

(b) A statement certified by the court shall be placed on the petition for circulation and on the official ballot.

(4) A copy of the petition in final form must be filed in the office of the secretary of state by the proponents.

(5) Any party may appeal the order of the district court to the Montana supreme court by filing a notice of appeal within 5 days of the date of the order of the district court.

**NOTE: STATUTORY PROVISIONS IN REGARD TO LEGAL CHALLENGES ARE FOUND BEGINNING AT PAGE 45 OF THIS BOOKLET.**

## Part 4

### Voter Information Pamphlets

13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

- (a) ballot title, fiscal statement if applicable, and complete text of the issue;
- (b) the form in which the issue will appear on the ballot;
- (c) arguments advocating approval and rejection of the issue; and
- (d) rebuttal arguments.

(2) The pamphlet shall also contain a notice advising the recipient where additional copies of the pamphlet may be obtained.

(3) Whenever more than one ballot issue is to be voted on at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues in the pamphlet shall be presented in the same order.

13-27-402. Committees to prepare arguments for and against ballot issues. (1) The arguments advocating approval or rejection of the ballot issue and rebuttal arguments shall be submitted to the secretary of state by committees appointed as provided in this section.

(2) The following committees shall be composed of one senator known to favor the measure, appointed by the president of the senate; one representative known to favor the measure, appointed by the speaker of the house of representatives; and one individual who need not be a member of the legislature, appointed by the first two members:

(a) the committee advocating approval of an act referred to the people or of a constitutional amendment proposed by the legislature; or

(b) the committee advocating approval of an act referred to the people by referendum petition.

(3) The committee advocating rejection of an act referred to the people or of a constitutional amendment proposed by the legislature shall be composed of one senator appointed by the president of the senate; one representative appointed by the speaker of the house of representatives; and one individual who need not be a member of the legislature, appointed by the first two members. Whenever possible, the members shall be known to have opposed the issue.

(4) The following shall be three-member committees and shall be appointed by the person submitting the petition to the secretary of state under the provisions of 13-27-202:

(a) the committee advocating approval of a ballot issue proposed by any type of initiative petition; and

(b) the committee advocating rejection of any ballot issue that is a legislative act referred to the people by referendum petition.

(5) A committee advocating rejection of a ballot issue proposed by any type of initiative petition shall be composed of five members. The governor, attorney general, president of the senate, and speaker of the house of representatives shall each appoint one member, and the fifth member shall be appointed by the first four members. All members shall be known to favor rejection of the issue.

(6) No person may be required to serve on any committee under this section, and the person making an appointment must have written acceptance of appointment from the appointee.

13-27-403. Appointment to committee. (1) Appointments to committees advocating approval or rejection of an act referred to the people or a constitutional amendment proposed by the legislature shall be made no later than 6 months before the election at which the ballot issue will be voted on by the people.

(2) Appointments to committees advocating approval or rejection of a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition shall be made no later than 30 days after the measure is approved for circulation by the secretary of state. All persons responsible for appointing members to the committee shall submit to the secretary of state the names and addresses of the appointees no later than the date set by this subsection. Such submission must include the written acceptance of appointment from each appointee required by section 13-27-402(6).

(3) All appointees to a committee pursuant to subsection (1) must be notified by the secretary of state by certified mail, with return receipt requested, no later than 5 days after the deadline set for appointment of committee members, of the deadlines for submission of the committee's arguments.

(4) All appointees to a committee pursuant to subsection (2) must be notified by the secretary of state by certified mail, with return receipt requested, no later than 35 days after the petition has been approved for circulation, of the deadlines for submission of the committee's arguments.

(5) Committees appointed under subsections (2)(b), (4), and (5) of 13-27-402 must be vacated and have no further obligation if the ballot measure for which they were appointed fails to receive sufficient signatures to place it on the ballot. The secretary of state shall notify the committee members of the failure of a ballot measure to receive sufficient signatures no later than 3 days after the filing deadline set in 13-27-104.

13-27-404. Committee chairman. The appointee of the president of the senate is the chairman of any committee to which that officer makes an appointment. The appointing authority for other committees shall name a chairman at the time the appointments are made.

13-27-405. Committee expenses. Each committee is entitled to receive funds for the preparation of arguments and expenses of members not to exceed \$100 for a three-member committee and \$200 for a five-member committee. Itemized claims for actual

expenses incurred, approved by a majority of the committee, shall be submitted to the secretary of state for payment from funds appropriated for that purpose.

13-27-406. Limitation on length of argument -- time of filing. An argument advocating approval or rejection of a ballot issue is limited to 500 words and shall be filed, in typewritten form, with the secretary of state no later than 85 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation must approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline.

13-27-407. Rebuttal arguments. The secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day following the filing of both the approval and rejection arguments for the issue in his office. The committees may prepare rebuttal arguments no longer than 250 words that shall be filed, in typewritten form, with the secretary of state no later than 10 days after the deadline for filing the original arguments. Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument shall be approved and signed by a majority of the committee responsible for its preparation. Separate signed letters of approval may be submitted in the same manner as for the original arguments.

13-27-408. Rejection of improper arguments. The secretary of state shall reject, with the approval of the attorney general, an argument or other matter held to contain obscene, vulgar, profane, scandalous, libelous, or defamatory matter; any language that in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility toward, or that tends to cast ridicule or shame upon, a group of persons by reason of race, color, religion, or sex; or any matter not allowed to be sent through the mail. Such arguments may not be filed or printed in the voter information pamphlet.

13-27-409. Liability for contents of argument. Nothing in this chapter relieves an author of any argument from civil or criminal responsibility for statements contained in an argument printed in the voter information pamphlet.

13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which they will be submitted. The requisition shall include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract shall require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 30 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing shall take place no later than 2 weeks after the pamphlets are received from the printer.

(5) Ten copies of the voter information pamphlet shall be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues.

## Part 5

### Election Procedure

13-27-501. Secretary of state to certify ballot form - abbreviated ballot. (1) The secretary of state shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time as he certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot.

(2) Except as provided in (4), the secretary of state shall list for each issue:

- (a) the number;
- (b) the method of placement on the ballot;
- (c) the title;
- (d) the attorney general's explanatory statement if applicable;
- (e) the fiscal statement if applicable; and
- (f) the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot.

(3) When required to do so, the secretary of state shall use for each ballot issue the title of the legislative act or legislative constitutional proposal or the title provided by the attorney general or district court. Following the number of the ballot issue, the secretary of state, when required to do so, shall include one of the following statements to identify why the issue has been placed on the ballot:



- (a) an act referred by the legislature;
- (b) an amendment to the constitution proposed by the legislature;
- (c) an act of the legislature referred by referendum petition; or
- (d) a law or constitutional amendment proposed by initiative petition.

(4) The county election administrator may, at least 14 days prior to the deadline for ballot certification by the secretary of state, request in writing that he be furnished an abbreviated form of the certified ballot. The secretary of state shall furnish to all counties from which he has received such a request a certified ballot containing only the information in subsections (2)(a), (2)(e), and (2)(f). If the county election administrator requests that the abbreviated ballot be prepared, copies of the information contained in subsections (2)(a) through (2)(f) must be distributed to each elector by an election judge as the elector enters the polling place.

13-27-502. **Preparation of ballots by county officials.** Each of the county officials responsible for the preparation and printing of the ballots shall print the ballot issues on the official ballot in the form and order in which the issues have been certified by the secretary of state. All ballot issues shall be placed on the official ballot prescribed by 13-12-207, 13-12-212, and 13-17-206 unless specific written approval by the secretary of state for placing the ballot issues on a separate ballot is received by the official responsible for printing the ballot. The secretary of state may issue such approval only when the number of issues to be voted on at an election makes it impractical to print the entire ballot, including the ballot issues on the official ballot as prescribed by 13-12-207, 13-12-212, and 13-17-206.

13-27-503. **Determination of result of election.** The votes on ballot issues shall be counted, canvassed, and returned by the regular boards of judges, clerks, and officers as votes for candidates are counted, canvassed, and returned. The abstract of votes on ballot issues shall be prepared and returned to the secretary of state in the manner provided by 13-15-501 for abstract of votes for state officers. The board of state canvassers shall proceed within 20 days after the election at which such ballot issues are voted upon and, at the same time as the votes for state officers are canvassed, canvass the votes given for each ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare and file in his office a statement of the canvass, giving the number and title of each issue, the whole number of votes cast in the state for and against each ballot issue, and the effective date of each ballot issue approved by a majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the governor.

13-27-504. Copy of approved issues to be sent to legislative council. The secretary of state shall send a certified copy of all ballot issues which have been approved by a majority of those voting on the issue and a copy of the statement of the canvass to the executive director of the legislative council at the same time he transmits a certified copy of the statement of the canvass to the governor.

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LIMITING CHALLENGES TO INITIATIVES  
AND REFERENDUMS PRIOR TO ELECTIONS

3-2-202. Original jurisdiction. (1) Except as provided in subsection (3), in the exercise of its original jurisdiction, the supreme court has power to issue writs of mandamus, certiorari, prohibition, injunction, and habeas corpus.

(2) It also has power to issue all other writs necessary and proper to complete exercise of its appellate jurisdiction.

(3) (a) Except as provided in subsection (3)(b), a contest of a ballot issue submitted by initiative or referendum may be brought prior to the election only if it is filed within 30 days after the date on which the issue was certified to the governor, as provided in 13-27-308, and only for the following causes:

(i) violation of the law relating to qualifications for inclusion on the ballot;

(ii) constitutional defect in the substance of a proposed ballot issue; or

(iii) illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(b) A contest of a ballot issue based on subsection (3)(a)(i) or (3)(a)(iii) may be brought at any time after discovery of illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(c) Nothing in subsection (3) limits the right to challenge a measure enacted by a vote of the people.

3-5-302. Original jurisdiction. (1) Except as provided in subsection (6), the district court has original jurisdiction in:

(a) all criminal cases amounting to felony;

(b) all civil and probate matters;

(c) all cases at law and in equity;

(d) all cases of misdemeanor not otherwise provided for;

and

(e) all such special actions and proceedings as are not otherwise provided for.

(2) The district court has concurrent original jurisdiction with the justice's court in the following criminal cases amounting to misdemeanor:

(a) misdemeanors arising at the same time as and out of the same transaction as a felony or misdemeanor offense charged in district court;

(b) misdemeanors resulting from the reduction of a felony or misdemeanor offense charged in the district court; and

(c) misdemeanors resulting from a finding of a lesser included offense in a felony or misdemeanor case tried in district court.

(3) The district court has exclusive original jurisdiction in all civil actions that might result in a judgment against the state for the payment of money.

(4) The district court has the power of naturalization and of issuing papers therefor in all cases where it is authorized to do so by the laws of the United States.

(5) The district court and its judges have power to issue, hear, and determine writs of mandamus, quo warranto, certiorari, prohibition, and injunction, other original remedial writs, and all writs of habeas corpus on petition by or on behalf of any person held in actual custody in their respective districts. Injunctions and writs of prohibition and habeas corpus may be issued and served on legal holidays and nonjudicial days.

(6)(a) Except as provided in subsection (6)(b), a contest of a ballot issue submitted by initiative or referendum may be brought prior to the election only if it is filed within 30 days after the date on which the issue was certified to the governor, as provided in 13-27-308, and only for the following causes;

(i) violation of the law relating to qualifications for inclusion on the ballot;

(ii) constitutional defect in the substance of a proposed ballot issue; or

(iii) illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(b) A contest of a ballot issue based on subsection (6)(a)(i) or (6)(a)(iii) may be brought at any time after discovery of illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(c) Nothing in subsection (6) limits the right to challenge a measure enacted by a vote of the people.









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